

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CLARENCE EUGENE ALSPAUGH
III,

Plaintiff,

v.

NEBRASKA DEPARTMENT OF
CORRECTIONS,

Defendant.

8:19CV217

**MEMORANDUM
AND ORDER**

Plaintiff has filed a Motion for Refund (Filing 17) requesting that his institution refund money taken from his institutional account to pay for the filing fee in this case and stop deducting additional money from his account because the filing fee has been paid in full. I shall deny Plaintiff's Motion as moot because the Clerk of Court has made an entry on the court's docket sheet for this case stating, "The plaintiff's[] institution, APR, Lincoln Correctional CTR, is notified that an overpayment has been received in this case. A refund check in the amount of \$156.50 will be forthcoming. The institution is directed to cease collection of payments in this case." (Docket Sheet Entry, Case No. 8:19CV217 (D. Neb. Aug. 20, 2019).)¹ Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion for Refund (Filing 17) is denied as moot.
2. The Clerk of the Court is directed to send a copy of this Memorandum and Order to: (a) Plaintiff; (b) the appropriate financial official at Plaintiff's institution; and

¹Plaintiff should note that the alleged \$121.54 deduction from Plaintiff's institutional account on August 6, 2019, does not appear on the docket sheet for this case. If that amount is eventually received by the court for purposes of paying the fully-paid filing fee in this case, this court will automatically refund such amount. No further motions from Plaintiff will be necessary to accomplish the refund.

(c) the Financial Administrator of this court.

DATED this 21st day of August, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge